

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALLAH JUSTICE,

Plaintiff,

-against-

MEMORANDUM AND ORDER  
07-CV-3800 (JS)(WDW)

CORRECTION OFFICER JOHN DOE,  
JOHN DOE, NASSAU COUNTY JAIL,

Defendants.

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APPEARANCES:

For Plaintiff: Allah Justice, pro se  
07005587  
Nassau County County Jail  
100 Carman Avenue  
East Meadow, NY 11554

For Defendants: Ryan Singer, Esq.  
Esther D. Miller, Esq.  
Office of the Nassau County Attorney  
One West Street  
Mineola , NY 11501

SEYBERT, District Judge:

Pending before the Court is a Report and Recommendation (R&R) filed by Magistrate Judge William D. Wall recommending that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff had not responded to the Court's previous Order or otherwise contacted the Court in any manner, and had failed to keep this Court advised of Plaintiff's new address. Accordingly, Magistrate Judge Wall recommended that this Court dismiss Plaintiff's case for failure to comply with the Court's Orders, failure to keep the Court apprised of his new address, and failure to prosecute. However, on September 18, 2008, the Court

received a letter from Plaintiff, indicating a change of address and stating that Plaintiff had not received the Court's previous Orders. (Docket Entry # 22.) Accordingly, the Court does not adopt the R&R and refers this matter to the Magistrate Judge to set a scheduling order. However, Plaintiff is advised that his pro se status does not excuse Plaintiff from his responsibility to prosecute his case. Further, Plaintiff must inform the Court of any changes in his address. Any further failures to comply with the Court's Orders may result in dismissal of Plaintiff's case.

CONCLUSION

The Court does not adopt the R&R and refers this matter to Magistrate Judge William D. Wall to set a scheduling order.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
December 15, 2008